

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: BANKS AUTO PARTS, INC. and
FANAPA USA, INC. and
FANAPA, LLC,

Case No. 07-32884-KRH
Jointly Administered
Chapter 11

Debtors.

BANKS AUTO PARTS, INC. and
FANAPA, LLC,

Plaintiffs,

v.

APN 07-3155 and
APN 07-3156

BANKS INVESTMENTS I, LC,
OLANDER BANKS,
GREGORY BANKS and
RONALD BANKS,

Defendants.

ORDER

This matter comes before the Court on the Motions of Defendants, Banks Investments I, LC, Olander Banks, Gregory Banks and Ronald Banks, to dismiss under Rule 7012(b) of the Federal Rules of Bankruptcy Procedure (the “Motions to Dismiss”). For the reasons set forth in this Court’s Memorandum Opinion entered concurrently with this Order,

IT IS ORDERED that the Motions to Dismiss Counts II and IV of the Plaintiffs’ Complaint are granted and, accordingly, Counts II and IV of Plaintiffs’ Complaint are hereby DISMISSED;

IT IS ORDERED that the Motions to Dismiss Counts I and III of the Plaintiffs' Complaint are granted in part and denied in part and, accordingly, Counts I and III of Plaintiffs' Complaint are hereby DISMISSED to the extent that they rely on § 548(a)(1)(A) of the Bankruptcy Code, but they shall survive and are NOT DISMISSED to the extent that they rely on § 548(a)(1)(B) of the Bankruptcy Code; and it is further

ORDERED that Ronald and Gregory Banks need not respond to or defend Counts I, II, III, IV, and V of the Complaint; and it is further

ORDERED that Olander Banks and Banks Investments I, LC need not respond to or defend Counts VI and VII of the Complaint.

ENTERED: _____

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

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